

BOARD BILL # 369

INTRODUCED BY ALDERMEN PHYLLIS YOUNG,

KENNETH ORTMANN, STEPHEN GREGALI,

DOROTHY KIRNER AND JOSEPH VOLLMER

AN ORDINANCE AUTHORIZING THE EXECUTION OF A TRANSPORTATION PROJECT AGREEMENT BETWEEN THE CITY, BALLPARK VILLAGE REDEVELOPMENT CORPORATION AND THE BALLPARK VILLAGE TRANSPORTATION DEVELOPMENT DISTRICT; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; APPROVING MODIFICATION OF THE TRANSPORTATION PROJECT; AUTHORIZING OTHER RELATED ACTIONS IN CONNECTION WITH THE TRANSPORTATION PROJECT; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of St. Louis, Missouri (the “City”), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

WHEREAS, pursuant to sections 238.200 to 238.275 RSMo. (2005) (the “TDD Act”), by that certain Judgment and Order of the Circuit Court of the City of St. Louis, Missouri, in Cause No. 0622-06787, Division 1, entered _____, 20__ (the “Order”), the Ballpark Village Transportation Development District (the “TDD”) was created; and

WHEREAS, the TDD intends to undertake that certain “Transportation Project” as described and defined in the Order, as modified herein, which Transportation Project will provide a benefit to the City by increasing the available supply of parking; and

1 **WHEREAS**, the City of St. Louis constitutes the “local transportation authority” for the
2 purposes of the Transportation Project, and as a result of the Missouri Highway Transportation
3 Commission’s declining jurisdiction over the Transportation Project, approval of the Transportation
4 Project is vested exclusively with the City; and

5 **WHEREAS**, the TDD Act provides that prior to construction or funding of a proposed
6 project, such project shall be submitted to the local transportation authority for its prior approval,
7 subject to any required revisions of such project, and the district and local transportation authority in
8 question entering into a mutually satisfactory agreement regarding the development and future
9 maintenance of such proposed project; and

10 **WHEREAS**, the City hereby desires and intends to approve the Transportation Project, as
11 modified herein, subject to the TDD and the City entering into a mutually satisfactory agreement
12 regarding the development and future maintenance of the Transportation Project; and

13 **WHEREAS**, the City intends to enter into that certain Transportation Project Agreement
14 (the “Agreement”), in the form attached hereto as **Exhibit A** and incorporated herein by reference,
15 with the TDD and Ballpark Village Redevelopment Corporation, a Delaware corporation (the
16 “Developer”), as a mutually satisfactory agreement regarding the development and future
17 maintenance of the Transportation Project; and

18 **WHEREAS**, the TDD Act provides that, within six months after development and initial
19 maintenance costs of a project have been paid, the district shall transfer control and ownership of
20 the project in question to the local transportation authority pursuant to contract; and

21 **WHEREAS**, the TDD intends to transfer and the City intends to accept such control and
22 ownership pursuant to and on the terms set forth in the Transportation Project Agreement; and

1 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the
2 Transportation Project Agreement attached as **Exhibit A** hereto and incorporated herein by
3 reference are acceptable and that the execution, delivery and performance by the City, the
4 Developer and the TDD of their respective obligations are in the best interests of the City and the
5 health, safety, morals and welfare of its residents.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE.** The Board of Aldermen hereby approves the Transportation Project as
8 submitted to the City, and as modified pursuant to **Exhibit B**, attached hereto and incorporated
9 herein by this reference.

10 **SECTION TWO.** The Board of Aldermen further finds and determines that it is
11 necessary and desirable to enter into the Transportation Project Agreement with the Developer in
12 order to implement the Transportation Project.

13 **SECTION THREE.** The Board of Aldermen finds and determines that the
14 Transportation Project is necessary and desirable in order to increase the supply of available
15 parking in the City.

16 **SECTION FOUR.** The Board of Aldermen hereby approves, and the Mayor and
17 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the
18 Transportation Project Agreement by and between the City, the TDD and the Developer in
19 similar form to that attached hereto as **Exhibit A**, and the City Register is hereby authorized and
20 directed to attest to the Transportation Project Agreement and to affix the seal of the City thereto.
21 The Transportation Project Agreement shall be in substantially the form attached, with such
22 changes therein as shall be approved by said Mayor and Comptroller executing the same and as

1 may be consistent with the intent of this Ordinance and necessary and appropriate in order to
2 carry out the matters herein authorized.

3 **SECTION FIVE.** The Mayor and Comptroller of the City or his or her designated
4 representatives are hereby authorized and directed to take any and all actions to execute and
5 deliver for and on behalf of the City any and all additional certificates, documents, agreements or
6 other instruments as may be necessary and appropriate in order to carry out the matters herein
7 authorized, with no such further action of the Board of Aldermen necessary to authorize such
8 action by the Mayor or Comptroller or his or her designated representatives.

9 **SECTION SIX.** The Mayor and Comptroller or his or her designated representatives,
10 with the advice and concurrence of the City Counselor and after approval by the Board of
11 Estimate and Apportionment, are hereby further authorized and directed to make any changes to
12 the documents, agreements and instruments approved and authorized by this Ordinance as may
13 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out
14 the matters herein authorized, with no such further action of the Board of Aldermen necessary to
15 authorize such changes by the Mayor or Comptroller or his or her designated representatives.

16 **SECTION SEVEN.** It is hereby declared to be the intention of the Board of Aldermen
17 that each and every part, section and subsection of this Ordinance shall be separate and severable
18 from each and every other part, section and subsection hereof and that the Board of Aldermen
19 intends to adopt each said part, section and subsection separately and independently of any other
20 part, section and subsection. In the event that any part, section or subsection of this Ordinance
21 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,
22 sections and subsections shall be and remain in full force and effect, unless the court making

- 1 such finding shall determine that the valid portions standing alone are incomplete and are
- 2 incapable of being executed in accord with the legislative intent.

EXHIBIT A

Transportation Project Agreement